

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

JUL - 6 2007

Case No. 5612
Date Filed 7/2/07
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5612 MAP 63 TYPE Special Exception

ELECTION DISTRICT 01 LOCATION 3414 Philadelphia Road, Abingdon 21009

BY Moran/Luther LLC, 2205-A Commerce Road, Forest Hill 21050

Appealed because a variance pursuant to Sec. 267-23A(5) of the Harford County Code to permit a dwelling to maintain minimum front yard of 40' with a total of (minimum 60' required) in the R2 District with NRD adjustment, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Moran/Luther LLC Phone Number 410-877-7350
Address 2205-A Commerce Rd. Forest Hill Md. 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 3414 Philadelphia Road
Abingdon, Md. 21009

Subdivision Pomeroy Manor Lot Number 63

Acreage/Lot Size 0.206 Election District 1st Zoning R2 w/NRD ADS

Tax Map No. 62 Grid No. 3B Parcel 862 Water/Sewer: Private _____ Public ☒

List ALL structures on property and current use: None

Estimated time required to present case: 15 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

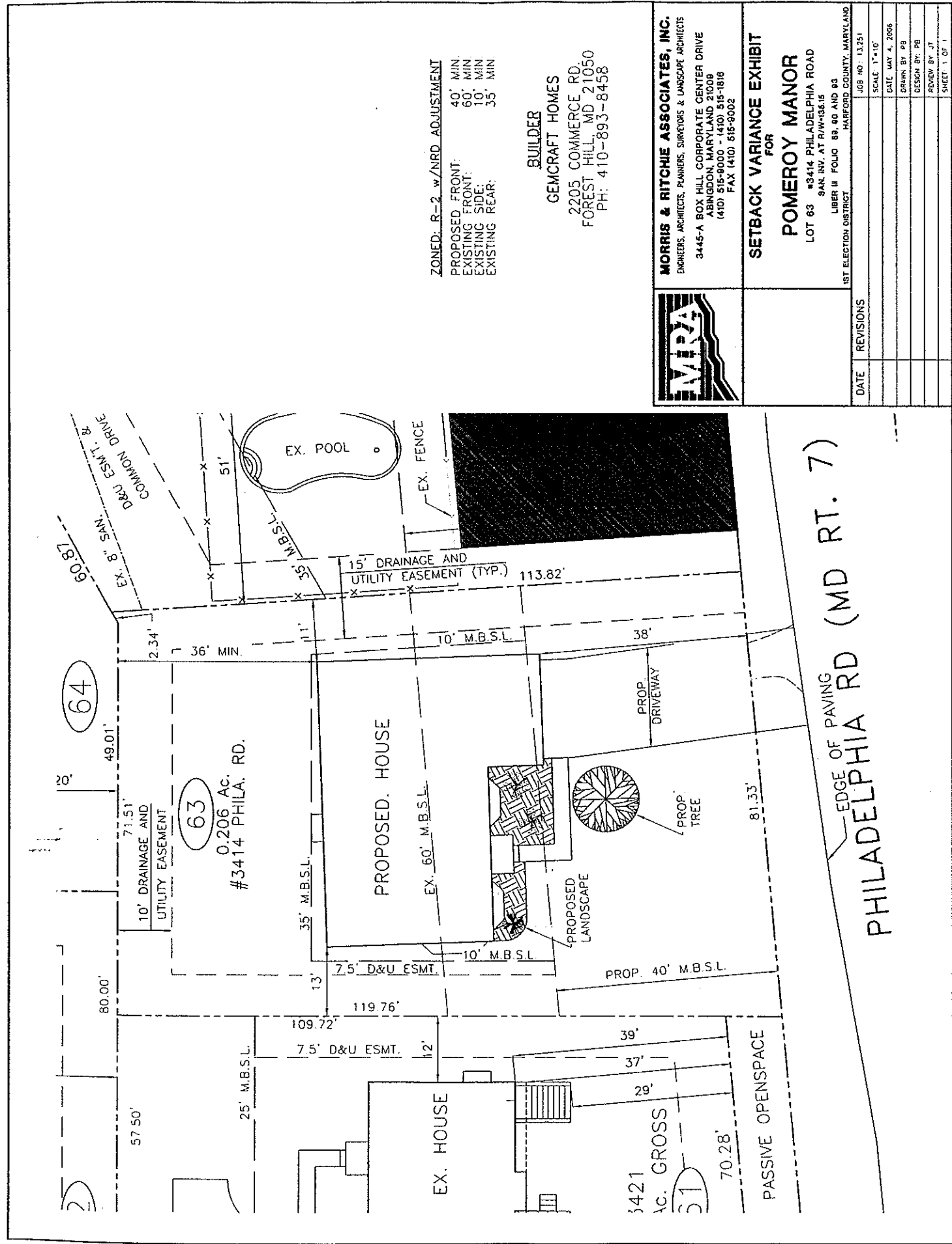
Request

Reduction of the Front yard setback From 60' to 40'
to convert a non-conforming lot to a buildable lot.

Justification

The required setbacks per plan would render the lot
unbuildable. The structures that existed were closer to Rte 7
than the proposed building. The existing structures were also dilapidated
and would have hindered the aesthetics of the community.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



ZONED: R-2 w/NRD ADJUSTMENT
 PROPOSED FRONT: 40' MIN.
 EXISTING FRONT: 60' MIN.
 EXISTING SIDE: 10' MIN.
 EXISTING REAR: 35' MIN.

BUILDER
 GEMCRAFT HOMES
 2205 COMMERCE RD.
 FOREST HILL, MD 21050
 PH: 410-893-8458



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS
 3445-A BOX HILL CORPORATE CENTER DRIVE
 ABINGDON, MARYLAND 21009
 (410) 515-9000 - (410) 515-1818
 FAX (410) 515-9002

SETBACK VARIANCE EXHIBIT
 FOR

POMEROY MANOR
 LOT 83 #3414 PHILADELPHIA ROAD
 SAN. INV. AT R/W-135.15

LIBER III FOLIO 89.80 AND 83

1ST ELECTION DISTRICT

DATE	REVISIONS	JOB NO.	SCALE	DATE	DESIGN BY	REVIEW BY	SHEET
		13,251	1"=10'	MAY 4, 2006	JB	JT	1 OF 1

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning,

July 16, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5612

APPLICANT/OWNER: Moran/Luther LLC
2205-A Commerce Road, Forest Hill, Maryland 21050

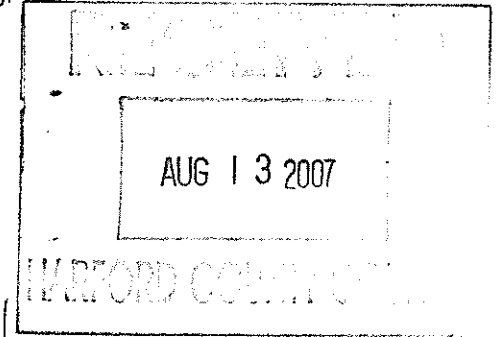
LOCATION: 3414 Philadelphia Road – Pomeroy Manor
Tax Map: 62 / Grid: 3B / Parcel: 862 / Lot: 63
Election District: First (1)

ACREAGE: 0.206 acres

ZONING: R2/Urban Residential District

DATE FILED: July 2, 2007

HEARING DATE: August 29, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Reduction of the front yard setback from 60-feet to 40-feet to convert a non-conforming lot to a buildable lot.”

Justification:

“The required setbacks per plan would render the lot unbuildable. The structures that existed were closer to Route 7 than the proposed building. The existing structures were also dilapidated and would have hindered the aesthetics of the community.”

Preserving Harford's past; promoting Harford's future

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Moran/Luther LLC

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-23A(5) of the Harford County Code to permit a dwelling to maintain a minimum 40-foot front yard setback (60-foot required) in the R2/Urban Residential District with Natural Resource District (NRD) Development Adjustment. Section 267-23A(5) of the Harford County Code reads:

- (5) *Yards along collector and arterial roads. In the event that residential lots abut one (1) or more collector or arterial roads, the required front yard from the right-of-way of such roads shall be forty (40) feet from a collector road and sixty (60) feet from an arterial road.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located on the west side of Philadelphia Road (MD Route 7) approximately 750-feet south of Abingdon Road. The subject property is known as Lot 63 of the Pomeroy Manor subdivision. Enclosed with the report is a location map, the Applicant's site plan and a copy of record plat 111-90 (Attachments 1, 2, and 3).

The subject property is located within the Development Envelope. The predominant land use designations in this area are: Low, Medium and High Intensities and Industrial/Employment. The Natural Features Map reflects Stream Systems. The subject property is designated Industrial/Employment which is defined by the 2004 Master Plan as:

***Industrial/Employment** – Areas of concentrated manufacturing, distribution, technical, research, office, and other activities generally located along major transportation corridors.*

Enclosed with the report is a copy of portions of the 2004 Land Use Map, the Natural Features Map and the Abingdon-Riverside-Emmorton Community Area Map (Attachments 4, 5 and 6).

Land Use – Existing:

Residential uses include single family dwellings, townhouses, garden apartments and condominiums. Commercial uses include warehousing, personal and professional services and retail. Other land uses include churches and schools. The topography for the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph and a topography map for the area (Attachments 7 and 8).

The subject property is rectangular in shape and contains approximately 0.21 acres. The subject property is located within the Pomeroy Manor subdivision and is designated as Lot 63. Pomeroy Manor was developed utilizing the Natural Resource District (NRD) Development Adjustment.

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Moran/Luther LLC

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This adjustment allowed the developer to utilize the design standards for the R3/Urban Residential District. The lots surrounding the subject property have been developed with new single-family dwellings over the last three years. There are several older single-family dwellings located across from the subject property on the south side of Philadelphia Road. Enclosed with the report are site photographs (Attachment 9).

There are several lots within the Pomeroy Manor subdivision which have frontage on Philadelphia Road. Philadelphia Road is designated as an arterial road and the lots abutting the road are required to maintain a 60-foot front yard setback. The subject property and the property located at 3416 Philadelphia Road were created around existing dwellings and maintained their access to Philadelphia Road. The Department recognized both dwellings as existing non-conforming structures. The dwellings on both lots were subsequently demolished in 2004.

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1, R2 and R3/Urban Residential Districts. Commercial zoning includes B2/Community Business District. The subject property is zoned R2/Urban Residential district as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-23A(5) of the Harford County Code to permit a dwelling to maintain a minimum 40-foot front yard setback (60-foot required) in the R2/Urban Residential District with Natural Resource District (NRD) Development Adjustment.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. This lot was created around an existing dwelling which was originally intended to remain. The original dwelling was located within the 60-foot front yard setback. At the time the lot was created, the Department recognized the dwelling as an existing non-conforming structure that could continue to exist. However, the dwelling was dilapidated and was subsequently razed in 2004. Since the non-conforming structure was removed, any new dwelling is required to meet all applicable setbacks. The building envelope for Lot 63 is approximately 23-feet deep by 60-feet wide when all the setbacks are applied. This creates a narrow building envelope that cannot accommodate a dwelling similar to those on the adjacent lots within Pomeroy Manor. With the requested 20-foot variance, the house will be located significantly further back from Philadelphia Road than the

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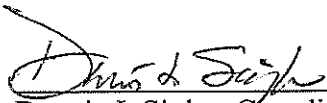
Moran/Luther LLC

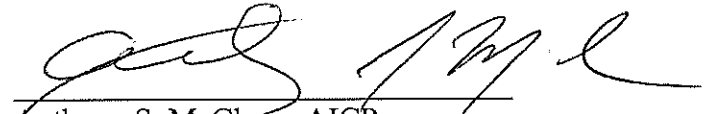
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original dwelling. The proposed dwelling will be similar to others within Pomeroy Manor. The request will not have an adverse impact on the neighborhood or the intent of the Code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicant obtaining all necessary permits and inspections for the construction of the dwelling.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf